

REMARKS/DISCUSSION OF ISSUES

Applicant respectfully requests the Examiner to acknowledge whether the drawings filed with the application are acceptable.

Claims 1-13 are pending in the application. Claims 1-13 are rejected.

Claim 1 is rejected under 35 USC 102(b) as being anticipated by Olympus (JP 10208284).

Olympus discloses an optical head for a disk drive, including a semiconductor laser (21), an optical element (22) with a polarizing film (30) formed in the upper surface of the optical element. The optical head is provided with an airtight seal, apparently by means of a housing (42). Olympus does not disclose or suggest a sealed enclosure only for the polarizing film.

Claim 1 has been amended to additionally call for an optically transparent cover sheet sealed to the optically transparent substrate and forming a sealed enclosure surrounding the polarizing element.

Since Olympus does not disclose a sealed enclosure specifically for a polarizing element, the reference fails to anticipate claim 1 as presently amended, and it is urged that the rejection be withdrawn.

Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Olympus in view of Shimizu et al. (US 6,511,183) (herein 'Shimizu').

Shimizu shows a digital image projector with polarizing beam splitters. In the embodiment shown in Figs. 4 - 6, the polarizer is a wire grid polarizer. Shimizu states that there are certain problems with conventional digital image projectors employing reflective polarization modulators and conventional MacNeille-type polarizing beam splitters which employ multilayer dielectric polarizing film, which can be avoided by employing a wire grid polarizing beam splitter. See col. 12, lines 25-30.

Shimizu does not explain what the problems are, but it is clear that they are specific to digital image projectors. The skilled artisan would therefore have no motivation to substitute a wire grid polarizer for the film polarizer of Olympus. Such motivation is required for an effective combination rejection under Section 103.

Accordingly, it is urged that the rejection of claim 2 is in error, and should be withdrawn.

Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Olympus. While it is acknowledged by the Examiner that the reference fails to teach any sealant between the substrate and the cover sheet, it is nevertheless urged that the use of such a sealant would be obvious.

However, it is not the use of sealant per se which is urged to be patentable, but rather the use of sealant to seal the cover sheet to the substrate. This results in the isolation of the polarizing element from other elements which may be present in an assembly, a result which is clearly neither taught nor suggested by Olympus.

Accordingly, it is urged that the rejection of claim 3 is in error and should be withdrawn.

Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Olympus in view of Shimizu.

This rejection is in error for the same reasons advanced with respect to the rejection of claim 2, and accordingly should be withdrawn.

Claim 5 is rejected under 35 USC 102(b) as being anticipated by Kizawa et al. (JP 405300416 A) (herein 'Kizawa').

Kizawa teaches an enclosure for monitor cameras. The enclosure (2) is composed of triangular walls fitted together to form the appearance of 'sharp design' (7, 8, 9). The monitor cameras are formed into a 'photographing device block' (3) which is provided **inside** the enclosure (2), to photograph images through a window (2f) in one of the walls. See, e.g., Fig. 2(c).

Claim 5 has been amended to incorporate the limitations of claim 6. Since Kizawa fails to disclose an enclosure with triangular top and bottom portions for form a wedge-shaped enclosure, as well as face portions having mounting apertures for optical elements, claim 5 is not anticipated by the reference, and the rejection should be withdrawn.

Claims 6 and 7 are rejected under 35 USC 103(a) as being unpatentable over Kizawa.

Claim 6 has been amended to call for the face portions to have a rectangular shape. Support for this limitation may be found, e.g., in the fourth full paragraph on page 6 of the specification.

The Examiner has acknowledged that the reference fails to disclose triangular top and bottom portions and face portions to form a wedge-shaped enclosure, but has urged that absent a showing of criticality, such would have been obvious.

However, the test for patentability under Section 103 is whether the claimed invention would have been obvious to the skilled artisan in view of the teachings of the cited reference. In this instance, Kizawa contains nothing which would teach or suggest a wedge-shaped enclosure with triangular top and bottom portions and rectangular face portions, and apertures for optical elements in the face portions. In fact, in teaching that all of the faces of his enclosure are triangular, and that only one of these faces has a window, Kizawa actually teaches away from Applicant's claimed invention.

It is only with the aid of hindsight from Applicant's own teachings that the claimed invention becomes obvious, and such hindsight is not permitted in judging patentability under Section 103.

Accordingly, it is urged that the rejection is in error and should be withdrawn.

Claims 8-10, 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Dreyer et al. (US 5,504,544) (herein 'Dreyer').

Dreyer discloses a projector with a multiple lamp light source. In Fig. 9, Dreyer shows one embodiment of a projector in which various elements including a 'polarization modulating display 32, such as a liquid crystal display', are enclosed within a housing, and in which a projection lens 23 is apparently mounted in an aperture of the housing.

Dreyer does not disclose a sub-assembly for a display device comprising a sealable housing having first, second and third mounting apertures, a light polarizing element having an environmentally sensitive active surface, the light polarizing element sealed into the first aperture, a light modulator panel

sealed into the second aperture and a lens sealed into the third aperture.

The Examiner has acknowledged the deficiencies of the reference, except for the fact that the reference fails to disclose a polarizing element with an environmentally sensitive surface, but has urged that absent a showing of criticality, all such deficiencies would have been obvious.

However, as noted above with respect to the rejection of claims 6 and 7, the test for patentability under Section 103 is whether the claimed invention would have been obvious to the skilled artisan in view of the teachings of the cited reference. In this instance, Dreyer contains nothing which would teach or suggest a sub-assembly for a display device comprising a sealable housing having first, second and third mounting apertures, a light polarizing element having an environmentally sensitive active surface, the light polarizing element sealed into the first aperture, a light modulator panel sealed into the second aperture and a lens sealed into the third aperture.

It is only with the aid of hindsight from Applicant's own teachings that the claimed invention becomes obvious, and such hindsight is not permitted in judging patentability under Section 103.

Accordingly, it is urged that the rejection is in error and should be withdrawn.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Dreyer in view of Shimizu.

This rejection is in error for the same reasons advanced with respect to the rejection of claims 2 and 4, and accordingly should be withdrawn.

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejection of record, allow all the pending claims, and find the application to be in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script that reads "John C. Fox". The signature is written in dark ink and is positioned above a horizontal line.

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